

Can I Receive Compensation for My Services as Guardian?

Yes, Michigan courts have established that guardians can receive reasonable compensation for the support and maintenance of the ward.

The probate court will determine just compensation. In making its determination, the court will consider:

- The extent and manner of the services provided by the guardian
- The size of the ward's estate
- The duration of the guardianship
- The duties of the guardian

Guardians may receive compensation even if the ward is a family member.

OTHER FREQUENTLY ASKED QUESTIONS REGARDING ADULT GUARDIANSHIPS

Can I Apply for Medicaid on Behalf of the Ward?

Yes, a guardian has both a duty and a right. If the ward is eligible for and in need of Medicaid benefits, you must apply for Medicaid on his/her behalf.

As Guardian, am I Legally Liable for Actions of the Ward?

No, even as the legal guardian, you are not legally liable for actions taken by the ward.



A QUICK REFERENCE GUIDE TO ADULT GUARDIANSHIPS

Resources

- Michigan Compiled Laws, Section 700.5314
- Michigan Guardianship Association
<http://www.michiganguardianship.org>
- Mid-Michigan Guardianship Services, Inc.
<http://mmgsinc.com>
- Tri-County Guardianship Services, PLC
<http://www.tri-countyguardianship.com>

Ingham County Probate Court

Veterans Memorial Courthouse
313 W. Kalamazoo Street
Lansing, MI 48933
(517) 483-6300
<http://pr.ingham.org>



INGHAM COUNTY PROBATE COURT

FREQUENTLY ASKED QUESTIONS ABOUT CREATING AN ADULT GUARDIANSHIP

When to Petition for a Guardianship?

It may be appropriate to petition for a guardianship if the proposed ward is no longer able to care for his/her basic needs, to make informed decisions about his/her basic needs, to take proper care of himself/herself, or to make informed decisions about his/her medical care and treatment.

What is the Required Court Process to Create a Guardianship?

There are three main steps in creating a guardianship:

- **Filing a Petition:** To begin the process of creating a guardianship, you must file a Petition for Appointment of Guardian of Incapacitated Individual with the court.
- **Investigation:** Once the court receives the petition, a court investigator will be assigned to meet with the proposed guardian and proposed ward to assess the suitability of and the need for the guardianship.
- **Hearing:** The proposed guardianship will then be set for a hearing in front of a probate judge. At the hearing, the judge will hear the investigator's report and rule on the creation of the guardianship.

What are the Fees for Creating a Guardianship?

There are three fees required to create a guardianship:

- **Filing Fee:** The fee for filing a Petition for Appointment of Guardian of Incapacitated Individual is \$150.00.
- **Investigation Fee:** The fee for the investigation is \$50.00.
- **Certified Copy Fee:** If the petition is granted, the fee to receive a certified copy of the Letters of Guardianship is \$11.00.

FREQUENTLY ASKED QUESTIONS ABOUT THE DUTIES OF AN ADULT GUARDIAN

What are the Main Duties of a Guardian?

As a guardian, your general duties are to:

- Make medical and placement decisions for the ward.
- Make arrangements for or provide hands-on services/care to the ward.
- Periodically visit and check in on the ward.
- Ensure the ward's basic needs are being met, especially if the ward resides in a facility.
- Make sure the ward's bills are paid on time and in full.

- Provide the ward with as much independence as possible, while keeping the ward as safe as possible.

Can I Move the Ward?

Yes, a guardian has the authority to relocate the ward to the place that best suits his/her needs. If possible, this should be discussed with the ward before moving him/her.

Can I Make Medical Decisions on Behalf of the Ward?

Yes, but some hospitals may require a court order before permitting you to make end-of-life care decisions for the ward.

As guardian, you are not permitted to make medical decisions that trump a doctor's decisions.

What Happens if Someone Attempts to Interfere with My Decisions on Behalf of the Ward?

As guardian, you have the ultimate legal authority to make decisions on behalf of the ward.

This means that family members or other parties do not have the legal authority to make decisions on behalf of the ward.